

Special Meeting of the Board of Trustees of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, June 14, 2012 at 5:00pm.

PRESENT: Mayor Maria Connie Castañeda, Trustee Margaret B. Blackman, Trustee Kent R. Blair Trustee Carol L. Hannan, Clerk Leslie Ann Morelli, Police Chief Daniel P. Varrenti

EXCUSED: Trustee Scott W. Hunsinger

ALSO PRESENT: Attorney Frank A. Aloï, Bill Andrews, Jim & Joan Hamlin, Kathy Snyder

• **CALL TO ORDER / PLEDGE:**

Mayor Castañeda called the meeting to order and led the Pledge of Allegiance.

Mayor Castañeda shared that at the June 12th Village Board meeting, after the Trustees and Police Chief Varrenti met in executive, the Trustees called for a special meeting for 3pm June 15th and then rescheduled for 5pm June 14th to accommodate Attorney Frank Aloï's schedule.

Clerk Morelli confirmed that notice was posted at Village Hall and on the Village website and Suburban News was notified.

Mayor Castañeda reminded the Trustees that Village Attorney Leni said he had no objection to the special meeting in order to discuss the future possibility of special counsel in light of his firm's necessary recusal. However, any decision on that matter would be premature since the criminal charges against the Mayor are currently being handled by the DA's office and the Notices of Claim are pending review by the Village's insurance carrier and if determined to be covered claims, the carrier would then handle the defense.

Trustee Blair asked Clerk Morelli if there is an update as to the Notices of Claims. Clerk Morelli said they were received June 4th and immediately submitted to the insurance carrier. She has received acknowledgement that the carrier received them and assigned a reviewer. Once she receives response as to determination as to whether they would be covered, she will notify the Board.

• **EXECUTIVE SESSION:**

→ At 5:03pm, Trustee Hannan moved, Trustee Blair seconded, Mayor Castañeda abstained, carried 3/0/1 that the Board of Trustees of the Village of Brockport enter into executive session to discuss a potential litigation matter and possible hiring of special counsel. Police Chief Varrenti and Attorney Frank A. Aloï were invited to sit in.

→ At 6:00pm, Trustee Blackman moved, Trustee Hannan seconded, carried 4/0 that the Board of Trustees of the Village of Brockport re-enter the regular meeting.

→ Trustee Blackman moved, Trustee Hannan seconded to engage Attorney Frank A. Aloï as special counsel to the Trustees (other than the Mayor) and the Village regarding the Notices of Claim filed by the Mayor and Norman Giancursio and any litigation commenced by either or both based on their Notices of Claim and to advise the Trustees concerning pending criminal and civil matters involving the Mayor. The terms of retainer are as follows:

1. The Village will pay Attorney Aloï a \$5,000 retainer.
2. Attorney Aloï will bill his time for services against that retainer at the rate of \$150 per hour, which rate will apply to both out of court and in court time.
3. Attorney Aloï will send the Village his time accountings every 30 days which will show the application of the retainer funds for his services.
4. At such time as the retainer is used up, the Village has the option to renew or cancel Attorney Aloï's services.
5. The Village will reimburse Attorney Aloï for all customary disbursements he incurs in discharging his services.
6. His engagement as Special Counsel will be terminable by either party at any time; in the event of termination, we will determine whether his time billings exceed the retainer balance; if so, the Village will pay him that balance; if his time billings are less than the remaining retainer funds, he will refund the retainer balance over and above his billings to the Village.

Discussion:

Mayor Castañeda reiterated what she said earlier and questioned the need to pay special counsel if there is a chance that the insurance carrier would assign an attorney to defend the Village.

Trustee Blackman said even if the insurance carrier deems it coverable and assigns an attorney, the Trustees still need an attorney to be able to consult. She said the Village is in some legal limbo due to the Village Attorney's recusal.

Regarding a concern of Mayor Castañeda, Attorney Aloi stressed that part of the terms are that his services can be terminated at any time. The Village's hands aren't tied.

Mayor Castañeda said she still believes this to be premature.

Trustee Blair reminded her that she filed notice of claim to potentially sue the Village. Mayor Castañeda said potentially is the key word. She expressed concern of comments from the public and Trustees. Trustee Blair said the Trustees have been pretty much mum on the whole matter. There are multiple things going on and the

Trustees need some counsel.

Upon roll call vote:

Trustee Blair	yes
Trustee Blackman	yes
Trustee Hannan	yes
Trustee Hunsinger	absent
Mayor Castañeda	abstain

Result: Carried 3/0/1

• **ADJOURNMENT**

→ At 6:10pm, Trustee Blackman moved, Trustee Blair seconded, carried 4/0 to adjourn.

Leslie Ann Morelli
Village Clerk